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NEW-YORK WEEKLY TRIBUNE, A VERY LARGE PAPER, FOR THE COUNTRY IS PUBLISHED EVERY WATERDAY MORNING.
At the low price of TWO BOLLARS per amoun, is advance.

THE TRIBUNE.

Webster on the Li, ence Law of Miname husetts.
Cerespondence of the New-York Tribune.
Washinstron, Jan. 31, 1845.
The room of the Supreme Court of the United

States was crowded to-day to hear the argument of DANIEL WERSTER on the License Law of Massachasetts. It presented quite an array of beauty and intellect, compared with the usual auditory there assembled. He occupied about two hours. He menced by saying, that the general intent of these laws is good, but there are those who believe, and I am one of them, that if Intemperance is to be put down, it must be by more powerful means than the law in question. It must be by the use of moral, religious and persuasive means rather than by coer-The cause of Temperance cannot be too much applauded. It is a noble and a holy cause But there are States which have not disturbed their

If we look abroad, where has the Temperane Reformation been most successful? Look to Ireland! Did FATHER MATHEW go forth, clothed with coercive powers, from British Statutes, and with coercive powers, "real Britain Statutes, and depending on Licence Laws? No. He appended to the consciences, the understandings, the morality, the religion of the people; and where has this reiornation been more successful, where has the struck deeper than in Ireland? It is this course, and this only, that can abate the evils of Inte Religion and Morals, the Pulpit, the Lecture Room, the Press, the example of good men, well directed public opinion—these are the means which must work out this good and exterminate this evil.

My learned friend (Mr. Huntington of Salem) has

Licence Laws, where Temperance has made much

more progress than where penal laws have been

referred to statistics; I shall also refer to statistics By the law of Massachusetts, it has been left op tional with the Counties to grant licenses or to with hold them. In the Counties that have adhered to the old plan, there has been less intemperance that in those that adopted more coercive measures.

Congress permits the importation of liquors; may encourage or discourage such importations. Massachusetts has never asked Congress to prombit the importation of sprits into the ports of the United States. That would have been the proper plan of proceeding; but she did not ask for any such sump-tuary laws. Massachusette, also, with all her laws, tolerates the manufacture of spirits; she does not even discourage the manufacture by taxation or

The decision of this case in favor of the plaintiff in error would not be derogatory to the character of Massachusetts, as my learned friend hinted at. I atways dislike to hear these allusions to the deatruction of the character of States, if this, that, or t'other measure cannot be carried. This power to regulate commerce is clearly a prerogative of Cones; and it is not derogatory to a State to subm to the control of Congress. Massachusetts may sometimes have felt aggrisved at some decisions of this Court, but on the whole she has no cause to complain. She must forget her character and his tory before she complains of the National powers in regulating these affairs. It is the beneficent course of Congress that has accelerated her in her onward way. Other States have been controlled by the exrecise of this power, and she has left the benefits. The ruling in the Steamboat Monopoly case of New-York is one of these. She might better effect some biects, had she retained the power to control con merce; but she yielded it to Congress. It would be using and ungenerous to take back part of that which she yielded for the common good. Mr. Webster then went into a history of the laws

of Massachusetts on this question, pointing out the requirements of the seas of 1786, 1835, '37, '38, and '40. The net of 1835, sections 3d and 17th, provides that licenses may be granted on certain co ditions. A dispute grose about the meaning of the Statute, whether it was merely optional. The act of 1837 was passed to settle this dispute, the ecconsection providing that the County Commissioners were empowered not compelled to grant licenses.— The law of 1838 made it illegal to sell less than 15 1840 it was repealed, leaving the law as it was by the Statute of 1837—forbidding the retail of spirits in less than 28 gallons without license at the option

of the County Commissioners.

The law against which we contend is intended for prohibition, for the abolition of sales. It is intended and effects the abolition of consumption in the State. It has been distinctly admitted by my learned friend that it is the policy of Massachusetts to abolish the that it is the policy of Massachusetts to abolish the consumption. The Supreme Court of Massachusetts sees nothing in the law but a regulation—her representative here boasts that it is intended for prohibition, which is not regulation.

The question then is, are State laws, intended to contravene a law of Congress, constitutional? By the laws of Congress spirits may be imported in casks of less than 15 gallons and wine in bottles of less than a court and the laws of Massachusetts.

less than a quart, and the laws of Massachusett

less than a quart, and the laws of Massachusetts say that her citizens shall not sell wise or spirits in less quantities than 23 gallons.

The case of Brown against Maryland is not so strong as this. That was intended for taxation, not prohibition. The laws complained of seek no revenue which was the object of the law in the other case. In Brown's case sale was only embarrassed; here it is prohibited. Non-consumption is the object of this law. The Court in Brown's case decided that there is no difference between the roots. there is no difference between the power to admit and prohibit. If none be sold, none can be imported. The learned Chief Justice of Massachusetts says

that the plaintiff is not an importer. This does not appear. For all that is on the record, Samuel Thurlow is an importer. If this was intended to be proved, it should have been stated in the indictment, "not being an importer." Yet the indictment-is not a bad one. The laws make no distinction between persons whether importers or retailers; yet the laws of Congress say that spirits may be imported in of Congress say that spirits may be imported in casks of less quantity than can be sold by retailers. This is making a distinction between persons which the law does not recognize.

This distinction is valuable in Brown's case, be-

This distinction is valuable in Brown's case, because the laws of Maryland were confined to importers, and because it was a mx case. It has not touched the power of Congress nor the mode in which that power shall be exercised.

The counsel admits a distinction made between importers and retailers. It is even said that this law may be good in 1 art and had in part; that it may be valid in its application to some persons and void in its application to others. If so, there must be some logal disjunction. This act makes no disbe some legal distinction. This act makes no dis-tinction. No law of Congress makes any distinc-tion. Both importer and retailer are private citizens

tion Both importer on their own account.

A word about the phrescology of the Constitution (Art. 1, Sec. 3). "Among the States" Congress shall have power "to regulate commerce with foreign actions and among the several States and with the ladian tribes." Among the States does not mean among the several regulations and more the several regulations. with the Indian tribes." Among the States does not mean among the sovereignties of the States, but temong the proposed of the States. "Scorral States bere means all the States. I would not dwell on this exposition of words, but would recommend it is among the proposition of words, but would recommend it.

this exposition of words, but would recommend it is some writer on verbal criccism.

In looking back, one new thinks it strange that New-York should have insisted on making her lakes and rivers and harbors a mare clausum to other States. Yet it had the sanction of such men as Spencer. The Chief Justice in his decision on this tase, cut the smallest pattern possible for the work he had to do. He might have given the principle a tider application.

but this doctrine of State laws interfering with in a manner which does something to redefine a New-York book-making.

But this doctrine of State laws interfering with the third of the substantial purpose of a manner which does something to redeem the temperature sells his patent-rights are not looked on istantially can the State interfere with this transaction and say that the patent-rights are not looked on istantially can the State interfere with this transaction and say that the patent-rights all not be vaid? The power to license is clearly in the State, but the State law stondied with the laws of Contest, the State law must yield. If it impedes a U. I is support of this quoted authority in point.) Whatever State law stondied in the state law stondied to contest the substantial purpose of the instruction of the Hinds Circuit Court, in the sum of four thousand dollars. [Vicksburg Whig. Firs.—A dwelling house at Hudson, owned by the impodes the law.

THW-MARKET AND AREA

OFFICE NO. 160 NASSAU-STREET.

NEW-YORK, MONDAY MORNING, FEBRUARY 2, 1845.

CONGRESSIONAL PROCEEDINGS.

claims that the State law is intended to promine to abolish consumption.

But what is this "police power" of which we hear so much? It is not defined in the Constitution. But this case is not a law of police, but a law of commerce. A city can make pelice laws, but cannot make laws for the regulation of commerce. By laws of Congress spirits can be imported, or in other words purchased in casks of 15 gallons or 10 gallons; but by the laws of Massachusetts it cannot send in less quantities then 28 gallons, except to The Senate did not sit to-day, having adourned over to Monday next. House of Representatives-Mr. Tibbatts

BY GREELEY & MCELRATH.

claims that the State law is intended to prohibit-

uv in less than 22 gallons is retail, then Congress

mports in retail.

But I choose to take hold of this proposition by

State cannot control the quantity. What is the value of wholesale if retail trade it cut off? Export

rade is like a river, conveying from springs at

what would be the effect of this measure if appli

State of New 1078 within the manufactures, and, on her Canalis, gives preference to her own Sait, overforeign Sait. But could she pass a law that you should not buy a less quantity than 23 doilar's worth? Suppose that the same rule now applied to other beverages. Tea, Coffee, Spices, or Tobacco, and what would be the conse-

a similar effect on the manufactures of the North, imported into Southern States! These things are no

so remote as to pass without notice, for threats of the kind have already been held out from high places.—Would such a state of things be desirable? I true therefore that this question will be settled in such a way as to a passar.

way as to sustain the National authority over these cases; and show to the several States that their interest and dignity are best consulted by a ready acquiescence with the laws of Congress.

The present law of Massachusetts oppears to builder than the 15 galion law of 1840; but here wave it openly avowed by the counsel of the Com-

nonwealth tout its object is the same.

monwealth toat its object is the same.

The several States should submit promptly to all the laws of Congress. It is detogatory to any State to hold up her own laws in opposition to those of Congress. Even when an injury is done, as some States have supposed to be the case by the operation of Tariff Laws, the States should submit with alarity to these regulations. It is by such compromises that we maintain our nationality. They are a surrender of State privileges, given in exchange for benefits accruing from our Federal Compact.

My learned friend has acknowledged, what he could not deny, that this State law is intended for prohibition. Congress has regulated this matter so as to derive a revenue from the consumption, which the State has passed a law to abolish. I have shown

State has passed a law to abolish. I have shown that when a State law conflicts with, or impedes a law of Congress, the State must yield. As there

fore it is acknowledged that the present law is in-tended to conflict with a law of Congress regulating commerce, the State law is unconstitutional; other-wise the United States laws would be subordinate

to State laws. The contrary is true. All State laws, health laws, police laws, are subordinate to the laws of Congress and as such must yield to the

Mr. Webster then, in a low tone, submitted a low points in writing, to the Court, and took his sent, having occupied from 11 A. M. till I o'clock, P. M.

in the delivery of his argument. I have merely given you some of the points, as the court room is poorly arranged for the accommodation of Report

THE KNICKERBOCKER for February is

our table as usual at precisely the right time.-

Its contents are various and entertaining as ever

The opening paper under the title of A Few

Candid Observations,' embodies much wholesome

truth, fearlessly though sometimes crudely ex-

pressed. The writer maintains that Force is not

adapted either to prevent crime or reform the

criminal. 'The Destruction of Carthage,' 'Some-

thing to Die for; ' Earth's Mysteries,' 'The Musical Neighbors,' &c. are the titles of some of the

principal articles. 'The 'Literary Notices' and

Editor's Table' are in the Knickerbocker's usual

DIRGE FOR AN INFANT.

BY A NEW CONTRIBUTOR.

Lay her gently in the dust; Grievous task, but ob! ye must! Hear the sentence, "Earth to earth, Spirit to immortal birth," Youthful, gentle, undefiled.

Angels nurture now the child

Upward soaring, like the dove, Bearing with her chains of love, Not to draw her spirit back, But to smooth her upward track,

Her, the youngest of thy fold, Angels watch with love untold!

Said not oft her pleading eyes

When the eob and crystal tear

That they longed for purer skies;

Spoke of rough ning billows here, Prayed ye not that she might rest On her heavenly Father's breast?

With the 'Rock of Ages' trust Tout which was enshrined in dust. Robed in ever-spotless white,

In an atmosphere of light, By the never-failing springs Rests she now her weary wings

And its vesture to the sod! Life henceforth will miss a ray,

Kindled but to pass away; Bearing a celestial name, Angels tend the vestal flame!

HISTORY OF THE REION OF FERDINAND AND ISABELLA, THE CATHOLIC: BY WILLIAM II PRESCOTT. 3 vols. 5 vo. Happer & Bothers. The fact that this work has reached its tenth

edition speaks all that need be said in its favor .-

Mr. Prescott, pursuing his labors after losing his

eyesight, has achieved a reputation commensurar

with the language, and his merits have been as cor-

dially admitted by European critics as by those of our own country. His patience of investigation

Give the spirit back to God.

vein. We copy the following brief Poem:

ers. Mr. Webster appears again once

perior if they conflict with or impede each

rivulets, and flowing out to the wide ocean. Im-

VOL. IV. NO. 257

by unanimous consent, submitted a joint-resolution, that the law of 1808, appropriating annu ally two hundred thousand dollars for arming e sold in less quantities than 28 gallons, except by the option of County Commissioners. If to sell or and equipping the militiz of the United States and territories, be so modified that one-fourth of the amount shall be applied to the purchase of Celt's water-proof ammunition. somewhat a stronger hand. Let the distinction between wholesale and retail run where it may, a

The resolution was read twice and referred to the Committee of the Whole on the State of the

Mr. SAUNDERS, from the Committee on the Judiciary, introduced a bill to establish a uniform rule of naturalization, and to repeal all other acts on this subject heretofore passed; which was read twice and referred to the Committee of the

rivulets, and flowing out to the wide ocean. Import trade is like irrigration—let out by rills from a large fountaim; and this large fountain must be controlled by one power, the national power. I do not deny that laws for health, &c. may be enacted by Saates: but laws cannot be passed to prohibit or abolish what Congress has passed laws to regulate. If retail is stopped windessle must sten also. Whole on the state of the Union. Mr. Weller submitted a resolution to bring to a close to morrow at two o'clock the debate on inte. If retail is stopped, wholesale must stop also. In close to morrow at two o'closes the debate on if consumption is stopped, so must imports be the bill to establish a Territorial Government in

Oregon. Mr. VANCE called for the yeas and pays, which What would be the effect of this measure it applied to other cases? Suppose that Spirits cost one dollar agailon. The law of Massachasetts then is that you shall not purchase less than 23 dollars worth. Now suppose this rule applied to other articles of commerce, Broadcloth for instance. The sinte of New York wishes to encourage her sainteen progress and on her Canals, gives preference. were ordered, and, being taken, resulted, Yeas 94, Navs 65. The House went into Committee of the Whole,

and took up the bill for establishing the Govern-ment of Oregon. The cebate on this subject lasted until the adjournment. SATURDAY Feb. 1, 1845. The Oregon Bill in the House. House of Representatives -Mr. Haralson.

among other things relating to the Army, prequence?
It is high time, your Honors, that these questions were settled, and the law established. What are we coming to? Suppose some of the Northern Statesschould take it muo consideration to pass a law prohibiting the sale of the productions of Southern States, Sugar for instance, except in such quantities as to amount to a total prohibition. The authority of Congress over Spirits, Tea, Sugar, &c. is the same. Or on the contrary, suppose some of the Southern States should pass laws, intended to have a similar effect on the manufactures of the North, imsented a petition for its abolition. Mr. Bunggarond called up the bill relating to Mileage of Members. After some remarks on this matter, the House resolved itself into Committee of the Whole, Mr. WELLER in the Chair

d resumed the consideration of the bill to establish the Territorial Government of Oregon. Mr. WINTHROP objected to this hasty action while negotiations were pending between our Secretary of State and Great Britain. On this nd several other points he made a capital speech Mr. Cary of Maine, spoke against delay, and mostly in condemnation of the Ashburton Treaty

Mr. Morse of Maine, replied, and stated that Maine had gained more than she lest. Mr Handin, after a few remarks in explana ion, submitted two additional sections, as ar amendment-one of them, that the act shall no construed or carried into effect, so as to into iere, in any way, with the joint rights of occu-pency according to the Convention between Great Britain and the United States, until the expiration of twelve months after notice shall

have been given of the abrogation of the third ar-ticle by the President of the United States. Mr. Kennepy of Indiana followed in a Buncombe speech, in which he advocated the Oregon ill, because he had a constitutional hatred t England. He expressed rather a desire to see

Mr. Anams proposed an amendment to the first section, that, forthwith, after the passage of this bill, the President of the United States shall cause to be given to her Majesty's Government, in ca formity with the convention, notice that the U States think fit to disamnual the convention con laded between the two Governments in 1827 after the expiration of twelve months from the day this notice shall have been given to the Brit ish Government, the said convention shall be en

tirely annulled and abrogated.

The question was taken on the amendment o Mr. Adams, by tellers, and it was disagreed tonyes 77, noes 92.

Mr. Collaman submitted an amendment, strik ing out the limits specifically defined in the bill, and merely stipulating that all the territory west of the Rocky Mountains shall be organized into a Territorial Government. And it was rejected, without a count.

And to the fortieth section, as follows, which ras adopted, with a slight modification, viz: d, always. That the future grants of land controls are shall be subject to the settlement of any pending between Great Britain and the

Mr. A. V. Brown also submitted the following as the forty-recond section, which was agree

other contracting party, to usual and abrogate this Convention:

Be it therefore enacted. That nothing in this act shall be so construed as to close or obstruct any of the harbora, bars, and creeks, or the navigation of rivers within the territorial limits of the territory bright organized, or any part of the country that may be channed by subserparty on the Northwest coast of America, between the other party on the Northwest coast of America, between the transition of the degree 40 minutes of the Convention of 20th October, 1838, between the United States and Great British, until the termination of the said stripulation of said Convention.

tates and Great Britein, until the termination of the said sup-lation of said Convention.

Mr. Winthrop offered an amondment to the sixth section, in the form of a proviso, that there shall neither be slavery nor involuntary servitude, otherwise than for the punishment of crimes, except where the parties have been duly convicted.

It was agreed to—syes 85, noes 56.
Mr. A. V. Baown proposed to add to the thirtieth section of the bill, the following, which was agreed to, viz :

was agreed to, viz:

Provided, climas, That in cases where any British subject resident or trading in said Teerntony of Oregon, shall be arrest ed, charged with the commission of any madementor of felony, the same shall be delivered over to the nearest tribunal of the British Government having jurisdiction over the offence this provision not to anply after the period of the view month from any notice which may be given by the United States, a contemplated by the third article of the Convention now sail stating between the two countries in relation to said Territory.

Mr HAMMETT proposed to amend the bill by requesting the President of the United States to cause due notice to be given to the British Gov. ernment of the desire and intention of the Gov. erament of the Uni ed States to annul and abrogate the Convention between the two Governments, concluded August 6, 1827, agracably to the third article of said Convention—anything in this act to the contrary not to be in force until the expiration of twelve months from the passage

Mr. Davis, of Kentucky, offered a substitute for the whole bill; but it was rejected-ayes 47, noes not counted.

The Committee rose and reported the bill to the House, with amendments. Mr. Duncan moved the previous question,

which was esconded.

The main question was ordered to be put, (and the bill will be the first business in order on And the House adjourned.

Hon. Ogden Hoffman of your city is now in Washington. He arrived last night.
Mr. and Mrs. Wickliffe gave their first party for the season last night.

There is some talk that Senator MERRICK will resign before the vote on Texas be taken. Sure-ly that gallant Whig State ought not to have her voice misrepresented on this question.

CHEAP POSTAGE -- PROMPT ACTION NEEDED. As all may not be aware of the simplicity of form that may be given to a petition to Congress, the fellowing is suggested as suitable to be signed by the citizens of every village, and forwarded forthwith to

To the Honorabic Scente and House of Representatives in Longrass assembled: Congress essential:
The undersigned respectfully request, that you will restore
the rate of letter posture, throughout the U. States, to lave
ceats, and that of possupapers and nampitets in the proportion, and abolish the franking privilege. We heartily concur in the following sentiment:

o There is something so odious and nui-republican in the present system of high postage for the people, and no postage for those to poster, that it would seem as though the sovereign irremen of the nation would cause their dissatisfaction to be heard Take Institute on Sunday last.

The law of Congress authorizes importations for sale of consumption. The purpose of Congress at legalize consumption. It gets duties on consumption. It gets duties on consumption. The building, with its content of the learned counsel admits and protection. The learned counsel admits and protections of the learned counsel admits and protection. The learned counsel admits and protections of the learned counsel admits and protection. The learned counsel admits and protection of the learned counsel admits and protection. The learned counsel admits and protection of the sale of congress, as the voice of one man, and the sale of congress, as the voice of one man, and the sale of congress, as the voice of one man, and the sale of congress, as the voice of congress.

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the Head, Side and Back

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Mr. Hill. 10B Broadway, cured of head-che.
Mr. Hill. 10B Broadway, cured of head-che.
Mr. LANDLAY, 10G Greenwich street, cured of dyspensia of 5 was standard.

Rev. Mr. Bunkert, of Broadway, cured of rash of blood to ween by these Pills.

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Miss Boudlass, comer of Walker and Laddowatrsets, cure of dimness of ought, pain in the head, digramest. &c.

Mrs Cogn, wife of the baker in Brooklyn, cursi of wear next, pain in the head, side and brooklyn, cursi of wear next, pain in the head, side and brooklyn, there Pals.

Miss C. Hynnerkovs, 22 Trainty-sisce, cured of the metaboric which was not the access to and summer to have been placed.

FOR THE PILES!! A RE YOU AFFILICIED WITH PILES?—Trythen wi A RE YOU AFFILICIED WITH PILES?—Trythen wi out seiny, Dr. Uphan's Veretable Electrony, the in Remedy ever effect to public in the. This penly excell

an Internal Kamedy, and not an external application, and solidary at 18 Bowers, four doors above Spungst. Office bonn from 7A. M. to 8 P. M.

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owing a fast patroners. Politics Whig. For further information apply to the present Propositor, through the agency of the Editor of The Pribane.

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